



**SUFFOLK COUNTY
SHELLFISH AQUACULTURE LEASE PROGRAM
NOTIFICATION REGARDING TRANSFER OF
OWNERSHIP OR MANAGEMENT IN A COMPANY**

When a Lease is held by a Corporation, Partnership or Limited Liability Company and the company ownership and/or management authority changes (i.e., *changes in shareholders, directors, officers, members or managing members and/or partners*); the new owners or authorized managers of the company shall inform the County of the transfer of ownership or management. New owners or managers the company are required to update the entity's contact information, organizational structure and/or membership, identify shareholders and ownership interest by completing the applicable section of this form and submitting the same to the Department of Economic Development and Planning, Division of Planning and Environment (Department). Failure to notify the Department of the change in ownership, membership, and majority shareholder or ownership interest may be cause for termination of the Lease by the County.

Mailing Instructions:

Provide one copy of the *Notification Regarding Transfer of Ownership or Management in a Company*, to the Department at the address listed below. The Leaseholder shall be notified upon receipt when this form is received by the Department.

SUFFOLK COUNTY DEPARTMENT OF ECONOMIC DEVELOPMENT & PLANNING
DIVISION OF PLANNING & ENVIRONMENT
P.O. Box 6100
H. Lee Dennison Bldg. – 11th Floor
Hauppauge, NY 11788-0099
ATTN: Mr. Thomas Ralicky

PART I.

**SUFFOLK COUNTY
SHELLFISH AQUACULTURE LEASE PROGRAM
NOTIFICATION REGARDING TRANSFER OF OWNERSHIP OR MANAGEMENT IN A
COMPANY - STATUS FORM**

1. Full Legal Name of Leaseholder: _____

2. Please complete the table below:

<u>Lease or License?</u>	<u>Site ID#</u>	<u>Acreage Amount</u>	<u>Site Location</u> (Town) (Water body)

3. Current Leaseholder's Information:

a. Contact Person for Leaseholder: _____

b. Contact Person's Position or Title: _____

c. Mailing Address: _____

d. Phone Number: _____

4. Updated Contact Information (new ownership and/or authorized managers):

a. Contact Person for Leaseholder: _____

b. Contact Person's Position or Title: _____

c. Street Address: _____

d. Mailing Address: _____

e. Preferred Phone Number: _____

DO NOT WRITE BELOW THIS LINE

TO BE COMPLETED BY S.C. DIVISION OF PLANNING & ENVIRONMENT

Date Received by EDP 11th Floor: _____

Processed by (*Staff Name*): _____

Received by Thomas Ralicky: _____

PART II.

**SHELLFISH AQUACULTURE LEASE PROGRAM
NOTIFICATION REGARDING TRANSFER OF
OWNERSHIP OR MANAGEMENT IN A COMPANY**

1. Full Legal Name of Leaseholder: _____
2. Date of Expiration of Current Term of Lease: _____
3. Lease Location Information: Please fill in the information below.

<u>Lease Sites Map ID#</u>	<u>Acreage</u>	<u>Site Location</u> (Town) (Water body)

4. **Updated Contact Information for Leaseholder (new ownership and/or authorized managers):**

- a. Contact Person for Leaseholder: _____
- b. Contact Person's Position/Title: _____
- c. Street Address: _____
- d. Mailing Address: _____
- e. City, County, State & Zip: _____
- f. Telephone: business _____ home _____ cellular _____
(Please indicate your preferred contact number *)
- g. Email Address: _____
- h. Contact Person's Date of Birth: _____ Social Security No.: _____
- i. Please attach to this application a copy of a valid photo identification document (e.g., New York State Driver's License, US Passport).
- j. Are you or any Affiliate* of the organization Suffolk County Employees? ☐ YES ☐ NO
 - i. If, yes please list the name(s), Department(s) and title of the position(s) held:

- k. Are you or any Affiliate* of the organization a US Veteran? ☐ YES ☐ NO

- i. If yes, please attach supporting documentation (*i.e.*, a copy of DD Form 214, a copy of your Military ID Card, or other similar forms of veteran identification.)
- l. Does any Affiliate* of the organization own an interest, either directly or beneficially, in any other New York State shellfish cultivation operation/business? ☐ YES ☐ NO
- i. If yes, please complete the table below:

Lease or License?	Site ID#	Acreage Amount	Site Location (Town) (Water body)

5. Proposed Shellfish Cultivation Activities:

- a. Proposed Type of Culture Operation (*please check one*):
- ☐ ON-BOTTOM ☐ OFF-BOTTOM ☐ ON/OFF-BOTTOM
- b. Proposed List of Species to be Cultivated (*check all that apply*):
- ☐ Eastern Oyster ☐ Razor Clam
- ☐ Hard Clam ☐ Bay Scallop
- ☐ Blue Mussel ☐ Other: _____
(Please Specify)
- c. Proposed Gear Type and Dimensions: _____ Amount: _____
- i. _____
- ii. _____
- iii. _____
- (Attach additional sheets if necessary)

*Affiliate means an officer, director, or shareholder of a corporation, a partner in a partnership, or a member of a limited liability company.

6. Proposed Shellfish Cultivation Activities

d. Proposed Type of Culture Operation (please check one):

☐

ON-BOTTOM

☐

OFF-BOTTOM

☐

ON/OFF-BOTTOM

e. Proposed List of Species to be Cultivated (check all that apply):

☐

Eastern Oyster

☐

Razor Clam

☐

Hard Clam

☐

Bay Scallop

☐

Blue Mussel

☐

Other: _____

Please Specify

f. Proposed Gear Type and Dimensions:

Amount:

i. _____

ii. _____

iii. _____

*(Attach additional sheets if necessary)***7. Shellfish Cultivation Plan**

Please submit a Shellfish Cultivation Plan along with this form. The Shellfish Cultivation Plan should describe in detail proposed shellfish aquaculture activities that will occur in preparation of the deployment of the shellfish farming operation, as well as the proposed cultivation activities that will take place on/within the subject lease parcel, and the estimated timeframe to start/adjust farming activities. Shellfish cultivation plans should include, but is not limited, to the information outlined in Appendix C “Shellfish Culture/Operations Plan Outline” of the [Revised Administrative Guidance](#) document. This plan should also include proposed build out for the first three to five years of the lease.

Shellfish Cultivation Plan Enclosed: ☐**8. Shellfish Aquaculture Business Plan**

Please submit a Shellfish Aquaculture Business Plan that provides estimated start-up costs for the proposed shellfish aquaculture operation, which may include, but is not limited to, the cost for a boat, marina fees, mooring fees, aquaculture gear/equipment, buoys/markers, permit fees, shellfish seed stock, etc. The plan should identify the type of entity applying for the lease (*Corporations, Partnerships and LLC's must complete Part V of this form*); product and brand development; marketing of product, etc. For more detailed specifications of what should be included in your aquaculture business plan, please see Appendix D of the Revised Administrative Guidance.

Aquaculture Business Plan Enclosed ☐

Please note that the County may require additional documentation regarding transfer of ownership of the business and authorization to execute documents on behalf of the business. The County will notify you regarding its requirements upon receipt of this Notification Regarding Transfer of Ownership or Management in a Company.

9. Certification

- a. Has any Affiliate (officer, director, shareholder, member or partner of the Corporation, Limited Liability Company, or Partnership of the organization ever been convicted or found guilty of any civil, criminal or administrative violations of the Environmental Conservation Law or other Federal, State or local law, as it pertains to shellfish, finfish, other marine resources, environmental protection, food sanitation, navigation or operation of a vessel? ☐ YES ☐ NO
- i. If yes, please state the violation and the outcome: _____
- _____
- _____

Please be advised, Suffolk County may submit a Freedom of Information Law (FOIL) request to the New York State Department of Environmental Conservation and/or a Freedom of Information Act (FOIA) request to any relevant federal government agency to verify whether a lessee has been convicted or found guilty for any violations of the New York State Environmental Conservation Law or other applicable Federal or State laws.

Please be advised, Suffolk County will not release or share certain records that it deems proprietary information, private information and/or financial information regarding the Leaseholder unless required to do so by court order or by applicable law (e.g. the Freedom of Information Law (FOIL)) or regulation. Among other exemptions, FOIL provides for exemption from disclosure for records, or portions thereof, that:

- *Are specifically exempted from disclosure by state or federal statute;*
- *If disclosed would constitute an unwarranted invasion of personal privacy under the provisions of Pub. Officers Law § 89(2); or*
- *Are trade secrets or are submitted to an agency by a commercial enterprise or derived from information obtained from a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of the subject enterprise;*

I hereby state that the information included in this application is true and correct and that I have read and understand the regulations of the New York State Department of Environmental Conservation, and the requirements of the Suffolk County Shellfish Aquaculture Lease Program in Peconic Bay and Gardiners Bay governing shellfish aquaculture.

Full Legal Name of Leaseholder: _____

Print Name of Signer: _____

Title of Signer: _____

Signature: _____ **Date:** _____

The Form must be executed by an authorized party. If the leaseholder is a corporation, the form should be signed by an officer. If the leaseholder is a LLC, the form should be signed by a managing member, or a manager or other principal. If the leaseholder is a partnership, the form should be signed by a partner.

McKinney's Penal Law § 175.35(1) Offering a false instrument for filing in the first degree

A person is guilty of offering a false instrument for filing in the first degree when:

1. knowing that a written instrument contains a false statement or false information, and with intent to defraud the state or any political subdivision, public authority or public benefit corporation of the state, he or she offers or presents it to a public office, public servant, public authority or public benefit corporation with the knowledge or belief that it will be filed with, registered or recorded in or otherwise become a part of the records of such public office, public servant, public authority or public benefit corporation;...

Offering a false instrument for filing in the first degree is a class E felony.

McKinney's Penal Law § 175.30 Offering a false instrument for filing in the second degree

A person is guilty of offering a false instrument for filing in the second degree when, knowing that a written instrument contains a false statement or false information, he offers or presents it to a public office or public servant with the knowledge or belief that it will be filed with, registered or recorded in or otherwise become a part of the records of such public office or public servant.

Offering a false instrument for filing in the second degree is a class A misdemeanor.

PART V.



SUFFOLK COUNTY SHELLFISH AQUACULTURE LEASE PROGRAM Corporations, Partnerships or Limited Liability Company

Leaseholders that are Corporations, Partnerships, or Limited Liability Companies (LLC) and hold the Shellfish Aquaculture Lease with the County must complete this form and submit the same along with the Leaseholder Annual Report form.

Corporations, Partnerships, or Limited Liability Companies (LLC), which have been sold to new ownership are required to inform the County by completing this form along with the *Notification Regarding Transfer of Ownership or Management in a Company form*; and submitting the same to the Department of Economic Development and Planning with the documentation requested herein.

- 📎 Leaseholder Annual Report Form
- 📎 Notification Regarding Transfer of Ownership or Management in a Company

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1. Corporate Leaseholders

Please answer questions C-1 through C- 10 if you are updating information pertaining to the Corporation. If no changes and/or updates have been made please see question C-11.

C-1. Please list the date and state in which incorporated (*include a copy of the Articles of Incorporation*): _____

C-2. Type of Corporation: ☐ Domestic Corp. ☐ Foreign Corp.

*If a Foreign Corp., (i.e., a corporation that was **not** incorporated in the State of New York), a Certificate of Authority from the NYS Dept. of State, which allows the Corp. to do business in NYS must be submitted.*

C-3. Does this corporation conduct business under a different name other than the legal corporate name? ☐ Yes ☐ No

If yes, please submit a General Business Certificate issued by the Suffolk County Clerk for your Business Name.

C-4. Federal Tax ID No. (EIN): _____

C-5. Please list the names and addresses of all shareholders, who own or control at least 5% of the outstanding stock and the percentage of the outstanding stock currently owned or controlled by each such shareholder:

C-6. Please list the names and addresses of all directors:

C-7. Please list the names, addresses and titles of all officers:

C-8. Is a signed meeting abstract, which documents the meeting of shareholders, directors or officers including, but not limited to, any outgoing and/or new shareholders, directors or officers, enclosed?

The meeting abstract must include the following information:

- Action taken to admit the new shareholders, directors or officers. Please indicate the date of said action taken.
- List of the outgoing shareholders, directors or officers. Please indicate the date(s) of said action(s) taken.
- State who is authorized to manage the Corporation and to enter into contracts. If the authorized manager(s) changed please indicate the date of said action taken.

C-8. (Continued)

- Demonstrate agreement by the corporation to enter into and be bound by the by the subject Lease with the County of Suffolk. Please indicate the date of said action.

C-9. Please list the names and addresses of shareholders, directors, or officers owning an interest, either directly or beneficially, in any other New York State shellfish cultivation operation as well as the location and quantity of acreage attributed to each such person:

C-10. Has the corporation or any officer, director or shareholder ever been convicted or found guilty of any civil, criminal or administrative violations of the Environmental Conservation Law or other Federal, State or local law, as it pertains to shellfish, finfish, other marine resources, environmental protection, food sanitation, navigation or operation of a vessel?

☐ Yes ☐ No

If yes, explain: _____
(Attach additional sheets if necessary)

C-11. I certify that there were no changes or updates made to the corporation during this annual reporting year. ☐ Yes ☐ N/A

Full Legal Name of Leaseholder: _____

Print Name of Signer: _____

Title of Signer: _____

Signature: _____ **Date:** _____

This form must be executed by an officer and accompanied by a certified, duly-adopted corporate resolution authorizing the submission of this form and entry into the subject lease.

McKinney's Penal Law § 175.35(1) Offering a false instrument for filing in the first degree

A person is guilty of offering a false instrument for filing in the first degree when:

1. knowing that a written instrument contains a false statement or false information, and with intent to defraud the state or any political subdivision, public authority or public benefit corporation of the state, he or she offers or presents it to a public office, public servant, public authority or public benefit corporation with the knowledge or belief that it will be filed with, registered or recorded in or otherwise become a part of the records of such public office, public servant, public authority or public benefit corporation;...

Offering a false instrument for filing in the first degree is a class E felony.

McKinney's Penal Law § 175.30 Offering a false instrument for filing in the second degree

A person is guilty of offering a false instrument for filing in the second degree when, knowing that a written instrument contains a false statement or false information, he offers or presents it to a public office or public servant with the knowledge or belief that it will be filed with, registered or recorded in or otherwise become a part of the records of such public office or public servant.

Offering a false instrument for filing in the second degree is a class A misdemeanor.

2. Partnership Leaseholder

Please answer questions P-1 through P-8 if you are updating information pertaining to the Partnership or Limited Partnership (LP). If no changes and/or updates have been made please see question P-9.

P-1. Please list the date and state in which the partnership was formed (*include a copy of either the Certificate of LP or documentation of the formation of a General Partnership*):

P-2. Does this partnership conduct business under a different name other than the legal partnership's name? ☐ Yes ☐ No

If yes, please submit a General Business Certificate issued by the Suffolk County Clerk for your Business Name.

P-3. Federal Tax ID No. (EIN): _____

P-4. Please list the names, addresses, and ownership shares of partners:

P-5. Has the partnership or any partner applied for a Suffolk County shellfish aquaculture lease for the underwater lands of Peconic Bay or Gardiners Bay in the past?

☐ Yes ☐ No

If yes, state the outcome or current status of that application or lease:

P-6. State whether the partnership (or either partner) owns an interest, either directly or beneficially, in any other New York State shellfish cultivation operation as well as the location and quantity of acreage from the existing operation:

P-7. Is a signed meeting abstract, which documents the meeting of all partners or managing members, including, but not limited to, the outgoing and new partners or managing members, enclosed?

The meeting abstract must include the following information:

- Action taken to admit the new partners or managing members. Please indicate the date of said action taken.
- List of the outgoing partners or managing members. Please indicate the date of said action.
- State who is authorized to manage the Partnership and to enter into contracts. Please indicate the date of said action. If the authorized manager changed please indicate the date of said action taken.
- Demonstrate agreement by partners or managing members entitled to vote, to enter into and be bound by the Lease with the County of Suffolk. Please indicate the date of said action.

P-8. Has the partnership or any partner been convicted or found guilty of any civil, criminal or administrative violations of the Environmental Conservation Law or other Federal, State or local law, as it pertains to shellfish, finfish, other marine resources, environmental protection, food sanitation, navigation or operation of a vessel?

☐ Yes ☐ No

If yes, explain: _____
(Attach additional sheets if necessary)

P-9. I certify that there were no changes or updates made to the Partnership or Limited Partnership during this annual reporting year. ☐ Yes ☐ N/A

Full Legal Name of Leaseholder: _____

Print Name of Signer: _____

Title of Signer: _____

Signature: _____ **Date:** _____

This form must be executed by a partner and must be accompanied a meeting abstract that authorizes submission of this form and entry into the subject lease.

McKinney's Penal Law § 175.35(1) Offering a false instrument for filing in the first degree

A person is guilty of offering a false instrument for filing in the first degree when:

1. knowing that a written instrument contains a false statement or false information, and with intent to defraud the state or any political subdivision, public authority or public benefit corporation of the state, he or she offers or presents it to a public office, public servant, public authority or public benefit corporation with the knowledge or belief that it will be filed with, registered or recorded in or otherwise become a part of the records of such public office, public servant, public authority or public benefit corporation;...

Offering a false instrument for filing in the first degree is a class E felony.

McKinney's Penal Law § 175.30 Offering a false instrument for filing in the second degree

A person is guilty of offering a false instrument for filing in the second degree when, knowing that a written instrument contains a false statement or false information, he offers or presents it to a public office or public servant with the knowledge or belief that it will be filed with, registered or recorded in or otherwise become a part of the records of such public office or public servant.

Offering a false instrument for filing in the second degree is a class A misdemeanor.

3. Limited Liability Company (LLC) Leaseholder

Please answer questions L-1 through L-11 if you are updating information pertaining to the LLC. If no changes and/or updates have been made please see question L-12.

L-1. Please list the date and state in which the LLC was formed (*include a copy of the Articles of Organization*):

L-2. Type of LLC: ☐ Domestic LLC ☐ Foreign LLC

*If a Foreign LLC, (i.e., a LLC that was **not** formed in the State of New York), a Certificate of Authority from the NYS Dept. of State, which allows the LLC to do business in NYS must be submitted.*

L-3. Does this LLC conduct business under a different name other than the legal LLC name?
☐ YES ☐ NO

If yes, please submit a General Business Certificate issued by the Suffolk County Clerk for your Business Name.

L-4. Federal Tax ID No. (EIN): _____

L-5. Please list the names, addresses, and ownership interest of all members:

L-6. Please list the names, addresses, titles and ownership interest (if any) of all persons authorized to manage the LLC and to enter into contracts:

L-7. Is a copy of the LLC's Operating Agreement enclosed? ☐ YES

L-8. Is a signed meeting abstract, which documents the meeting of all LLC members or managing members, including, but not limited to, the outgoing and/or new LLC members or managing members, enclosed? ☐ YES

The meeting abstract must include the following information:

- Action taken to admit the new LLC members. Please indicate the date of said action.
- List of the incoming and outgoing members. Please indicate the date of said action.
- State who is authorized to manage the LLC and to enter into contracts. If the authorized manager changed please indicate the date of said action taken.
- Demonstrate agreement by members or managing members entitled to vote, to enter into and be bound by the Lease with the County of Suffolk. Please indicate the date of said action.

L-9. Has the LLC or any member applied for a Suffolk County shellfish aquaculture lease for the underwater lands of Peconic Bay or Gardiners Bay in the past? ☐ YES ☐ NO

If yes, state the outcome or current status of that application or lease:

L-10. State whether the LLC or any member owns an interest, either directly or beneficially, in any other New York State shellfish cultivation operation, as well as the location and quantity of acreage from the existing operation:

L-11. Has the LLC or any member been convicted or found guilty of any civil, criminal or administrative violations of the Environmental Conservation Law or other Federal, State or local law, as it pertains to shellfish, finfish, other marine resources, environmental protection, food sanitation, navigation or operation of a vessel? ☐ YES ☐ NO

If yes, please explain:

(Attach additional sheets if necessary)

L-12. I certify that there were no changes or updates made to the LLC during this annual reporting year: ☐ YES ☐ N/A

Full Legal Name of Leaseholder: _____

Print Name of Signer: _____

Title of Signer: _____

Signature: _____ **Date:** _____

This form must be executed by a managing member, manager, or other principle designated in question L-6 and must be accompanied by a signed meeting abstract that authorizes submission of this form and entry into the subject lease.

McKinney's Penal Law § 175.35(1) Offering a false instrument for filing in the first degree

A person is guilty of offering a false instrument for filing in the first degree when:

1. knowing that a written instrument contains a false statement or false information, and with intent to defraud the state or any political subdivision, public authority or public benefit corporation of the state, he or she offers or presents it to a public office, public servant, public authority or public benefit corporation with the knowledge or belief that it will be filed with, registered or recorded in or otherwise become a part of the records of such public office, public servant, public authority or public benefit corporation;...

Offering a false instrument for filing in the first degree is a class E felony.

McKinney's Penal Law § 175.30 Offering a false instrument for filing in the second degree

A person is guilty of offering a false instrument for filing in the second degree when, knowing that a written instrument contains a false statement or false information, he offers or presents it to a public office or public servant with the knowledge or belief that it will be filed with, registered or recorded in or otherwise become a part of the records of such public office or public servant.

Offering a false instrument for filing in the second degree is a class A misdemeanor.